UNITED NATIONS
ENVIRONMENT PROGRAMME

REPORT OF THE GOVERNING COUNCIL

on the work of its second special session

1-3 August 1990

GENERAL ASSEMBLY

OFFICIAL RECORDS: FORTY-FIFTH SESSION

SUPPLEMENT No. 25 (A/45/25)

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New York, 1990

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REPORT OF THE GOVERNING COUNCIL ON THE WORK OF ITS SECOND SPECIAL SESSION*

(1-3 August 1990)

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* The full proceedings of the Council on the work of the session, containing, inter alia, chapters on the discussions in plenary meetings has been distributed to Governments as document UNEP/GCSS.II/3.

READEX MICRO

INTRODUCTION

1. Pursuant to Governing Council decision 15/4 of 26 May 1989 and General Assembly resolution 44/229 of 22 December 1989, the second special session of the Governing Council of the United Nations Environment Programme (UNEP) was held at UNEP headquarters, Nairobi from 1 to 3 August 1990. The Council adopted the present report at the 5th meeting of the session, on 3 August 1990.

CHAPTER I

ORGANIZATION OF THE SESSION

A. Opening of the session

2. The second special session was opened on 1 August 1990 by Mr. I. N. Topkov (Bulgaria), President of the Council.

3. The President drew attention to the increasing political importance of environmental issues and growing public awareness of environmental threats. He commended the work done since the fifteenth regular session of the Council, noting, however, the immensity of the tasks that remained. He also recapitulated the issues raised by the Executive Director and singled out the issues of climate change, ozone and fresh water, stressing that the relationship between environment and development is vital. Further, he called for dealing with the relationship between environment and economics in such a way as to crush the vicious circle of poverty and environmental degradation, stressing the importance of long-term vision to secure intergenerational equity and noting that the business community had begun setting a "green" agenda. He cautioned that, while ecology brought nations together, its problems could also aggravate relations between them. In conclusion, he appealed to the Council to make this session not only its shortest, but its most successful, short on rhetoric and long on action.

B. Attendance

4. The following States members of the Governing Council 1/ were represented at the session:

Argentina
Austria
Bangladesh
Barbados
Brazil
Bulgaria
Burundi
Canada
Chile
China
Colombia
Costa Rica
Côte d'Ivoire
Czechoslovakia
Finland
France
Gabon
German Democratic Republic
Germany, Federal Republic of
Guyana
India
Indonesia
Japan
Jordan
Kenya
Kuwait
Lesotho
Mexico
Netherlands
New Zealand
Norway
Oman

1/ The membership of the Governing Council was determined by elections held at the 35th plenary meeting of the forty-third session of the General Assembly, held on 24 October 1988, and the 45th plenary meeting of the forty-fourth session, held on 6 November 1989 (decisions 43/308 and 44/309).

Pakistan
Peru
Philippines
Poland
Rwanda
Saudi Arabia
Spain
Sri Lanka
Sudan
Thailand
Togo
Tunisia
Turkey
Uganda
Union of Soviet Socialist Republics
United Kingdom of Great Britain and Northern Ireland
United States of America
Venezuela
Yugoslavia
Zaire
Zimbabwe

5. The following States not members of the Governing Council but Members of the United Nations or members of a specialized agency or of the International Atomic Energy Agency were represented by observers:

Algeria
Australia
Belgium
Byelorussian Soviet Socialist Republic
Central African Republic
Cyprus
Denmark
Djibouti
Egypt
Ethiopia
Ghana
Greece
Grenada
Iceland
Iran (Islamic Republic of)
Iraq
Israel
Italy
Jamaica
Madagascar
Malawi
Malaysia
Maldives
Morocco
Nigeria
Portugal
Republic of Korea
Romania
Senegal
Sweden
Switzerland
Syrian Arab Republic
United Republic of Tanzania
Uruguay
Yemen
Zambia

6. The Holy See, not a Member of the United Nations, was also represented by an observer.

7. The following United Nations bodies and Secretariat units were represented:

Department of Technical Co-operation for Development

Office for Ocean Affairs and the Law of the Sea

Secretariat of the United Nations Conference on Environment and Development

United Nations Conference on Trade and Development (UNCTAD)

United Nations Development Programme (UNDP)

United Nations Population Fund (UNFPA)

Economic and Social Commission for Western Asia (ESCWA)

United Nations Centre for Human Settlements (Habitat)

Office of the United Nations High Commissioner for Refugees (UNHCR)

United Nations Centre on Transnational Corporations

United Nations Sudano-Sahelian Office (UNSO)

World Food Programme (WFP)

8. The following specialized agencies and other organizations of the United Nations system were represented:

International Labour Organisation (ILO)

Food and Agriculture Organization of the United Nations (FAO)

United Nations Educational, Scientific and Cultural Organization (UNESCO)

International Civil Aviation Organization (ICAO)

World Health Organization (WHO)

World Bank

World Meteorological Organization (WMO)

Intergovernmental Oceanographic Commission (IOC) of UNESCO

9. The following other intergovernmental organizations were represented:

African Development Bank (ADB)

Arab League Educational, Cultural and Scientific Organization (ALECSO)

Commission of the European Communities

Commonwealth Secretariat

Council for Mutual Economic Assistance (CMEA)

Gulf Co-operation Council

League of Arab States

Niger Basin Authority

Organization of African Unity (OAU)

10. In addition, the following international non-governmental organizations were represented by observers:

Arab Office of Youth and Environment

Asian Environmental Society

Association of South Pacific Environmental Institutions

Baha'i International Community

Environmental Liaison Centre International

European Environmental Bureau

Greenpeace International

International Council of Environmental Law

International Council for Research in Agroforestry

International Lake Environment Committee Foundation

International Organization of Consumers' Unions

International Union for Conservation of Nature and Natural Resources

International World Friends Committee for Consultation

Latin American Energy Organization

Soroptomist International

World Association of Girl Guides and Girl Scouts

11. The following other organizations were represented by observers:

African National Congress of South Africa (ANC)

Palestine

Pan Africanist Congress of Azania (PAC)

C. Officers

12. According to rule 18 of the rules of procedure, "at the commencement of the 1st meeting of its regular session, the Governing Council shall elect a President, three Vice-Presidents and Rapporteur from among its members". Rule 19 provides that the President, Vice-President and Rapporteur shall hold office until their successors are elected (i.e., at the 1st meeting of the next regular session). Accordingly, the following officers, elected at the fifteenth regular session, continued to serve in their respective capacities at the second special session:

President: Mr. I. N. Topkov (Bulgaria)

Vice-Presidents: Mr. G. Garcia (Colombia)
Mr. J. Nyagah (Kenya)
Mr. E. Rajakoski (Finland)

Rapporteur: Mr. S. Tell (Jordan)

D. Credentials

13. In accordance with rule 17, paragraph 2, of the rules of procedure of the Council, the Bureau examined the credentials of the representatives attending the second special session. The credentials were found to be in order, and the President, on behalf of the Bureau, so reported to the Council, which approved the Bureau's report, as presented orally by the President, at the 5th meeting of the session, on 3 August.

E. Agenda

14. At the opening meeting of the session, the Council adopted the following agenda on the basis of the provisional agenda by the Executive Director (UNEP/GCSS.II/1):

1. Opening of the session.

2. Adoption of the agenda.

3. Priority evolving environmental issues.

4. Other business.

5. Adoption of the report.

6. Closure of the session.

F. Organization of the work of the session

15. At the opening meeting of the session, the Governing Council considered and approved the organization of the work of the session in the light of the suggestions made by the secretariat in the annotations to the provisional agenda and the timetable of meetings suggested by the Executive Director (UNEP/GCSS.II/1/Add.1).

16. The Council also decided to establish an informal open-ended Presidential Negotiation Group, to be chaired by the President of the Council, with a core membership of two representatives from each regional group to consider the texts of draft decisions before their submission to the plenary for formal consideration.

G. Introductory statement by the Executive Director

17. At the opening meeting of the session, the Executive Director made an introductory statement focusing on the main tasks before the Council. The full text of the Executive Director's statement is contained in document UNEP/GCSS.II/2/Add.4.

H. Statement by the Secretary-General of the United Nations Conference on Environment and Development

18. In a statement to the Council at the opening meeting of the session, the Secretary-General of the United Nations Conference on Environment and Development said that the issues addressed by the Conference were already the subject of programmes and activities under way both in the United Nations system and at the international and national levels. The preparatory process therefore had to draw fully upon the capacities of the responsible agencies and organizations, where necessary complementing and supplementing their work to meet the Conference objectives and timetables. He was most encouraged by the co-operation that had already been extended to the secretariat of the Conference by the United Nations system. In particular, the secretariat of the Conference was indebted to UNEP for its leadership, in co-operation with other United Nations agencies through the Designated Officials for Environmental Matters, in preparing the overview paper on United Nations system-wide activities in the fields of environment and development, which was a basic document for the forthcoming Preparatory Committee session and a primary source of information for the Conference secretariat. In view of the valuable contribution it would make to the Conference, other relevant work by UNEP

should be closely related to the preparatory process. He was gratified that at the secretariat level, close co-operation had already been established.

19. He noted that the Conference, to be held in 1992, would address the issue of institutions, which was related to the future of UNEP. While it was too early to speculate on the decisions which might be taken by the Conference, it was recognized that UNEP had earned the confidence and respect of the international community. It deserved to be strengthened so that it could carry out its expanding responsibilities as the global environmental protection agency of the planet.

20. The Conference also had to provide for a major strengthening in the process of co-ordination and collaboration through which the members of the United Nations system could co-operate with one another and with other intergovernmental and non-governmental organizations in the growing range of programmes and activities that constituted the principal challenge faced in terms of institutional innovation and effectiveness.

CHAPTER II

MATTERS REQUIRING THE SPECIFIC ATTENTION OF THE GENERAL ASSEMBLY AND/OR THE ECONOMIC AND SOCIAL COUNCIL

21. At its second special session, the Governing Council adopted three decisions on the issue of climate, which the General Assembly by paragraph 19 of its resolution 44/207 of 22 December 1989 decided to include in the provisional agenda of its forty-fifth session. The Council also adopted a number of decisions concerning issues to be addressed by the Preparatory Committee for the United Nations Conference on Environment and Development, established by section II, paragraph 1, of Assembly resolution 44/228 of 22 December 1989.

22. There follows a brief summary of the background to and relevant content of those decisions, the full text of which is contained in the annex to the present report. Comments made at the time of their adoption are reflected in chapter III below.

A. Climate

1. Second World Climate Conference

23. In paragraph 2 of its decision SS.II/3 A of 3 August 1990, the Governing Council authorized the Executive Director to request, jointly with the Secretary-General of WMO, the Secretary-General of the United Nations to plan to take into account the outputs of the Second World Climate Conference in the discussion of the climate issue during the forty-fifth session of the General Assembly.

24. In paragraph 3 of the same decision, the Council requested the Executive Director, inter alia, to ensure that the relevant outputs of the Conference were brought to the attention of the Preparatory Committee for the United Nations Conference on Environment and Development.

2. Intergovernmental Panel on Climate Change

25. The Intergovernmental Panel on Climate Change (IPCC) was established by UNEP and WMO in 1988, an action endorsed by the General Assembly in paragraph 5 of its resolution 43/53 of 6 December 1988. At its forty-fourth session the Assembly, by paragraphs 8 and 9 of its resolution 44/207, welcomed the establishment of the IPCC Trust Fund and urged IPCC to take the necessary steps to ensure the participation of developing countries in the scientific and policy aspects of its work.

26. In paragraph 1 of its decision SS.II/3 B of 3 August 1990, the Governing Council requested the Executive Director to arrange, jointly with the Secretary-General of WMO, for the continuation of the work of the Panel as a joint panel of UNEP and WMO, ensuring that its future work is supportive of and responds to the needs and requests of the climate convention negotiating group and that it is so structured as to facilitate and ensure more active participation of developing countries, particularly by avoiding proliferation of meeting locations and coincidence of meeting dates. In paragraphs 1 (a) to (f) of the same decision,

the Council outlined the main tasks that the Panel should perform and urged Governments to continue to make financial contributions to ensure the effective participation in the work of the Panel of developing countries and small island States and the broad dissemination of its work.

27. In paragraph 2 of the same decision, the Council, inter alia, requested the Executive Director of UNEP, jointly with the Secretary-General of WMO, to report to the General Assembly on the progress of the work of the Panel.

3. Framework convention on climate change

28. At its fifteenth regular session, the Governing Council, in paragraph 9 of its decision 15/36 of 25 May 1989, requested the Executive Direcotr, in co-operation with the Secretary-General of WMO, to begin preparations for negotiations on a framework convention on climate, taking into account the work of IPCC, as well as the outcome of recent and forthcoming international meetings on the subject.

29. In paragraph 10 of its resolution 44/207, the General Assembly expressed its support for that request and recommended that such negotiations begin as soon as possible after the adoption of the interim report of the Panel and that the Assembly, at an early date during its forty-fifth session, take a decision recommending ways and means and modalities for pursuing those negotiations further, taking into account the work of the Preparatory Committee for the United Nations Conference on Environment and Development to be held in 1992.

30. Further to that decision of the Council and recommendation of the General Assembly, the Governing Council adopted decision SS.II/3 C of 3 August 1990, in paragraph 1 of which it authorized the Executive Director to convene, jointly with the Secretary-General of WMO, an open-ended working group of government representatives to prepare for negotiations on a framework convention on climate change, in September 1990, after the adoption of the interim report of IPCC at its fourth session. In paragraph 2 of the same decision, it requested the Executive Director to convene jointly with the Secretary-General of WMO, after a decision was taken by the General Assembly at its forty-fifth session recommending ways, means and modalities for further pursuing the negotiations, the first negotiating session of the open-ended working group on the framework convention on climate change, and other related legal instruments as appropriate, and taking into account the interim report of IPCC and the results of the Second World Climate Conference. In the same paragraph, the Council also stated that the negotiating session should be held not later than February 1991.

31. In paragraph 4 (a) of the same decision, the Council further requested the Executive Director to report, jointly with the Secretary-General of WMO, to the General Assembly at its forty-fifth session and, in consultation with the Secretary-General of WMO, to the Preparatory Committee for the United Nations Conference on Environment and Development at its second session, on progress in the preparations for negotiations on the framework convention.

32. In section II, paragraphs 3 and 4, of its decision SS.II/9 of 3 August 1990, the Council drew the attention of the Preparatory Committee to its decision SS.II/3 C and recommended that the Committee should give every encouragement to the Executive Director of UNEP and the Secretary-General of WMO in their joint endeavours on the issue.

B. Preparatory Committee for the United Nations Conference on Environment and Development

33. In paragraph 9 of section II of its resolution 44/228, the General Assembly requested UNEP, as the main organ for the environment, to contribute fully to the preparation of the United Nations Conference on Envirnoment and Development on the basis of guidelines and requirements to be established by the Preparatory Committee for the Conference. Pursuant to that request, the Governing Council, in section I, paragraph 1, of its decision SS.II/9, requested the Executive Director to ensure that UNEP made such a contribution.

34. In paragraphs 2 and 3 of section I of the same decision, the Council requested the Executive Director to make available to the Preparatory Committee for its information the report of the Council on the work of its second special session and invited the Committee to consider and provide overall guidance to the negotiating process and preparation of resolutions of the Conference regarding the issues set out in sections II to XIII of decision SS.II/9. Those issues include climate change; transboundary air pollution; protection of ocean and coastal areas; combating desertification; the role of regional and sugregional environment programmes; availability of resources for developing countries and funding mechanisms; environment, economics and sectoral policies; transfer of environmentally sound technology; biological diversity and biotechnology; fresh water; hazardous substances; and public participation.

35. In addition, in paragraph 6 of its decision SS.II/4 B of 3 August 1990, the Council requested the Executive Director to bring the issue of comprehensive approach to hazardous waste to the attention of the Preparatory Committee.

36. Likewise, in paragraph 3 of its decision SS.II/6 of 3 August 1990, the Council urged the participants in the Preparatory Committee to consider developing or strengthening institutional, legal and other measures at the regional level, including those that complemented and supported the UNEP regional seas programme, as well as at the global level, that would facilitate improved protection and sustainable development of ocean and coastal resources, including more effective co-ordination and exchange of standards, recommended practices, procedures, information, technology and expertise, and would more effectively address the serious growing problem of land-based sources of marine pollution.

37. The text of those three decisions has been transmitted to the secretariat of the United Nations Conference on Environment and Development, which brought them to the attention of the Preparatory Committee by a note of 9 August 1990 (A/CONF.151/PC/L.7).

CHAPTER III

ADOPTION OF DECISIONS*

Strenghtening of the role of the United Nations Environment Programme and the Governing Council (decision SS.II/1)

38. At the 5th meeting of the session, on 3 August 1990, the Council had before it a draft decision on this subject submitted by the Bureau (UNEP/GCSS.II/L.15).

39. In introducing the draft decision, the President stated that no consensus had been achieved in the informal negotiations on its operative paragraphs, as indicated by the square brackets surrounding that part of the text.

40. The representative of Mexico suggested that consensus might be achieved by inserting an additional preambular paragraph, by which the Council would recall General Assembly resolution 44/228, and replacing the word "following" in the first line of paragraph 3 with the words "as a consequence of".

41. The Council approved the proposal of the representative of Mexico.

42. The draft decision, as amended on the proposal of the representative of Mexico, was adopted by consensus.

New developments in the protection of the ozone layer (decision SS.II/2)

43. Also at the 5th meeting of the session, the Council had before it a draft decision on this subject submitted by the Bureau (UNEP/GCSS.II/L.8), which superseded an earlier draft decision on the same subject submitted by the Committee of Permanent Representatives (UNEP/GCSS.II/L.4).

44. The draft decision was adopted by consensus.

Climate (decisions SS.II/3 A to C)

45. The Council adopted three decisions related to climate, as indicated in paragraphs 46 to 64 below.

Second World Climate Conference (decision SS.II/3 A)

46. At the same meeting, the Council had before it a draft decision on this subject submitted by the Bureau (UNEP/GCSS.II/L.9 and Corr.1).

47. The draft decision was adopted by consensus.

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* For the text of the decisions adopted by the Governing Council at its second special session, see the annex to the present report.

Intergovernmental Panel on Climate Change (decision SS.II/3 B)

48. At the same meeting, the Council had before it a draft decision on this subject submitted by the Bureau (UNEP/GCSS.II/L.16), which superseded an earlier draft decision on the same subject submitted by the Committee of Permanent Representatives (UNEP/GCSS.II/L.2).

49. In introducing the draft decision, the President stated that no consensus had been achieved in the informal negotiations on the operative part of the draft, as indicated by the square brackets surrounding the operative paragraphs.

50. The representative of Guyana, speaking on behalf of the members of the group of Latin American and Caribbean States that were members of the Council, proposed that the chapeau of paragraph 1 of the operative part of the draft decision should be replaced by the following text:

> "Requests the Executive Director to arrange, jointly with the Secretary-General of the World Meteorological Organization, for the continuation of the Panel as a joint panel of the United Nations Environment Programme and the World Meteorological Organization, ensuring that its future work is supportive of and responds to the requests of the negotiating group and that it is so structured as to facilitate and ensure more active participation of developing countries, particularly in avoiding proliferation of meeting locations and coincidence of meeting dates. The Panel should, inter alia:"

51. Following statements from the representatives of Sweden and Australia, the representative of Guyana revised his amendment so that the phrase "the requests of the negotiating group" read "the needs and requests of the climate convention negotiating group".

52. The Council approved the revised amendment of the representative of Guyana.

53. On the proposal of the representative of Australia, the Council also approved the insertion of the words "and small island States" after the word "countries" in paragraph 1 (e) of the draft decision.

54. The Council further approved, on the proposal of the representative of Saudi Arabia, the deletion of the words "to the fund established" in paragraph 1 (f) of the draft decision and, on the proposal of the representative of Guyana, speaking on behalf of the members of the group of Latin American and Caribbean States that were members of the Council, the substitution of the words "these purposes" for the words "this purpose" at the end of the same paragraph.

55. Following clarification from the Executive Director, the Council agreed that the reference to the World Meteorological Organization in the penultimate line of paragraph 3 of the draft decision should be deleted.

56. The representative of Sweden, speaking in explanation of position before the adoption of the decision, said that, while it was clear that the negotiating body established for a climate convention could ask for assistance from the scientists on the Panel, it was essential for all to respect their independence and integrity.

57. The draft decision, as orally amended, was adopted by consensus.

58. Speaking in explanation of position after the adoption of decision SS.II/3 B, the representative of Brazil said that climate change affected mankind as a whole and should be dealt with in a global framework in a spirit of mutual co-operation. For that reason his delegation had joined the consensus on the decision, which authorized the Executive Director to arrange for the continuation of the work of IPCC. IPCC had done remarkable work in searching for scientific and technical data to serve as a basis for the negotiation of a framework convention on climate change. It was, however, common knowledge that the participation of the developing countries in its deliberations had been far from adequate. His delegation considered that the future work of IPCC should be structured with a view to ensuring full and adequate participation from the developing countries. His delegation was also convinced that the mandate of future work of IPCC should be based on the results of the fourth plenary session of the Panel, to be held in Stockholm by the end of the current month, and ultimately on the requirements to be established by Governments during the negotiations of the framework convention on climate change.

59. The representative of Mexico also explained his delegation's position on the decision, in conjunction with his statement following the adoption of decision SS.II/3 C (see para. 64 below).

Framework convention on climate change (decision SS.II/3 C)

60. Also at the 5th meeting of the session, the Council had before it a draft decision on this subject submitted by the Bureau (UNEP/GCSS.II/L.17), which superseded an earlier draft decision on the same subject submitted by the Committee of Permanent Representatives (UNEP/GCSS.II/L.1).

61. The representative of the United States of America sought and obtained clarification from the Bureau that the words "as appropriate" in paragraph 2 of the draft decision applied only to the "other related legal instruments" and that the punctuation of that paragraph would be changed, as necessary, to reflect that fact.

62. The draft decision was adopted by consensus.

63. Speaking in explanation of position after the adoption of the decision, the representative of Italy, on behalf of the States members of the European Communities that were members of the Council, said that those States had supported the decision but felt that it could have been improved by formally authorizing the Executive Director to develop, in close co-operation with FAO and WMO, an appropriate legal instrument on global forestry. However, in the interests of achieving consensus, they had not pressed the point.

64. Speaking in explanation of position after the adoption of decisions SS.II/3 B and C, the representative of Mexico stressed the importance that his Government attached to an early adoption of a draft convention on climate change. He underlined the need to undertake the preventive measures to avoid the negative consequences of climate change that could be included in a legally binding international instrument. Having praised IPCC for its technical and scientific achievements, he said that it was, however, obvious that most developing countries had not had an adequate opportunity to participate in its work, and that situation had to be corrected in the future. Turning to the elaboration of a convention, he said that that was mainly a political, not a technical, endeavour which, as such, must be directed by government representatives. It was therefore necessary for the

technical and scientific advice provided by IPCC to the open-ended working group to be subordinate to the specific requests from the latter. For the same reason, his delegation had insisted that the General Assembly as well as the Preparatory Committee had a major role to play in recommending criteria for the drafting of the convention. That was a necessary prerequisite for an early application of the convention.

Hazardous wastes (decisions SS.II/4 A and B)

65. The Council adopted two decisions related to hazardous wastes, as indicated in paragraphs 66 to 70 below.

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (decision SS.II/4 A)

66. At the 5th meeting of the session, the Council had before it a draft decision on this subject, entitled "Hazardous wastes", submitted by the Bureau (UNEP/GCSS.II/L.10).

67. The draft decision was adopted by consensus.

Comprehensive approach to hazardous wastes (decision SS.II/4 B)

68. Also at the 5th meeting of the session, the Council had before it a draft decision on this subject submitted by the Bureau (UNEP/GCSS.II/L.14), which superseded an earlier draft decision on the same subject submitted by Denmark, Iceland, Italy, Nigeria and Uganda (UNEP/GCSS.II/L.6).

69. A technical correction (UNEP/GCSS.II/L.14/Corr.1) to the English text of paragraph 4 of the draft decision was introduced orally by the Secretary of the Council.

70. The draft decision was adopted by consensus.

International legal instrument on the biological diversity of the planet (decision SS.II/5)

71. At the same meeting, the Council had before it a draft decision on this subject (UNEP/GCSS.II/L.11).

72. Technical corrections to the English and French texts of the draft decision (UNEP/GCSS.II/L.11/Corr.1) were introduced orally by the Secretary and by the representative of France.

73. The representative of Brazil proposed that the word "conservation" in the fourth line of paragraph 2 of the draft decision should be replaced by the words "sustainable and rational use".

74. After a brief discussion, during which the representative of the United Kingdom stated his delegation's opposition to the Brazilian amendment and the representative of the Federal Republic of Germany proposed alternative wording to accommodate both positions, the President, speaking on behalf of the Bureau, revised the draft to include the words "and rational use" after the word "conservation" in the fourth line of paragraph 2.

75. The draft decision, as revised by the President, was adopted by consensus.

Need for effective global protection of ocean and coastal ecosystems (decision SS.II/6)

76. At the 5th meeting of the session, the Council had before it a draft decision on this subject submitted by the Bureau (UNEP/GCSS.II/L.12), which superseded an earlier draft decision on the same subject submitted by Denmark, Iceland, Italy, Nigeria and Uganda (UNEP/GCSS.II/L.7).

77. Technical corrections to the text of the draft decision (UNEP/GCSS.II/L.12/Corr.1) were introduced orally by the Secretary.

78. The draft decision was adopted by consensus.

Location of meetings of the open-ended negotiating working groups on biological diversity and climate change (decision SS.II/7)

79. Also at the 5th meeting of the session, a draft decision on this subject was presented orally to the Council by the representative of Guyana, speaking on behalf of the members of the group of Latin American and Caribbean States that were members of the Council.

80. The draft decision, as revised by the sponsors and orally amended by the representatives of the United Kingdom and New Zealand, was adopted by consensus.

81. Speaking with reference to subparagraph (b) of the operative part of the decision, the Executive Director informed the Council that since the open-ended working group for negotiating a convention on climate change was the responsibility of both WMO and UNEP, any arrangements for the location of its meetings would have to be made in consultation with the Secretary-General of WMO.

The situation in the Middle East (decision SS.II/8)

82. At the same meeting, the Council had before it a draft decision on this subject submitted by Kuwait (UNEP/GCSS.II/L.19).

83. The draft decision was adopted by consensus.

84. In explanation of position after the adoption of the decision, the representative of Italy, on behalf of the States members of the European Communities that were members of the Council, informed the Council that the traditional position of the Communities and their member States was to avoid politicization of United Nations technical bodies. Nevertheless, because the invasion of Kuwait by Iraq was such an exceptionally serious event, the Communities and their member States had felt that the aforementioned position of principle must not be allowed to prevent them from expressing their profound concern and joining in the consensus on the decision.

Priority evolving environmental issues for consideration by the Preparatory Committee for the United Nations Conference on Environment and Development (decision SS.II/9)

85. At the 5th meeting of the session, the Council had before it a draft decision on this subject submitted by the Bureau (UNEP/GCSS.II/L.18), which superseded an earlier draft decision on the same subject submitted by the Committee of Permanent Representatives (UNEP/GCSS.II/L.5).

86. The draft decision comprised 13 sections, which, except as noted below and including the bracketed text in paragraph 2 of section II and paragraph 1 of section V, were adopted by consensus and without comment or amendment.

Section IV

87. On the proposal of the representative of the United States, the Council approved the insertion of the words "and other forms of marine life" at the end of paragraph 2 of section IV of the draft decision.

88. Following a request by the representative of Saudi Arabia for clarification, the Council approved the insertion of the words "in respect of the issues referred to in paragraph 2 above" after the word "actions" in the second line of paragraph 3, and agreed that the reference to oil pollution control technology contained in paragraph 4 of the draft should be incorporated into paragraph 2.

Section V

89. During the adoption of section V, the representative of France pointed out that the word "observation" in the final line of the preamble in the English text should have read "observatory".

90. The representative of Brazil reiterated his delegation's opinion that deforestation was not a major cause of desertification. However, in a spirit of compromise, his delegation would not oppose the inclusion of the word "deforestation" in the text of section V, paragraph 1, of the draft decision.

Section VII

91. In introducing section VII of the draft decision, the President said that no consensus had been achieved in the informal negotiating group on the wording of paragraphs 1 and 3. Consequently, the Council had before it two proposed formulations for each of those paragraphs.

92. The representative of the United States said that the first formulation of paragraph 1, as it appeared in the text, was unacceptable to his delegation, which hoped that the other members of the Council would consider that the thrust of the second alternative was the same.

93. The representative of India, speaking in support of the first proposed formulation of paragraph 1, said that without the inclusion of the word "additional" the purpose of the paragraph would not be served, since any switch to pollution-free technologies by developing countries would necessarily involve incremental costs.

94. On the proposal of the representative of Kenya, the Council agreed to insert the words "made available to them on concessionary terms" after the word "resources" in the first proposed formulation of paragraph 1.

95. On the proposal of the representative of Mexico, the Council agreed to add the words "in particular cases to be decided upon" to the end of the first proposed formulation of paragraph 1 of the draft decision.

96. The representative of the United States, explaining that the basic problem his delegation had with the first alternatives for both paragraphs 1 and 3 was the inclusion therein of the notion of additional resources, requested that the bracketed text within section VII of the draft decision should be put to a vote by roll-call.

97. Following the request of the representative of the United States, a vote was taken by roll-call on the first proposed formulation of paragraph 1, as amended by the representatives of Kenya and Mexico. That text was adopted by 48 votes to 1, with 1 abstention. The voting was as follows:

In favour: Argentina, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Burundi, Canada, Chile, China, Colombia, Côte d'Ivoire, Czechoslovakia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Guyana, India, Indonesia, Jordan, Kenya, Kuwait, Lesotho, Mexico, Netherlands, New Zealand, Norway, Oman, Pakistan, Peru, Philippines, Poland, Rwanda, Saudi Arabia, Spain, Sudan, Thailand, Togo, Tunisia, Turkey, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia, Zaire, Zimbabwe.

Against: United States of America.

Abstaining: Japan.

98. Following the vote, the representative of the United States withdrew his request for a vote on the two proposed texts of paragraph 3, and the Council adopted the first proposed formulation of that paragraph.

Section VIII

99. The representative of Norway said that it was his understanding of the outcome of the informal negotiations on section VIII of the draft decision that the title of section VIII should read "Environment, economics and sectoral policies" and that the words "to introduce environmental considerations into sectoral policies regarding energy, transport, industry, agriculture and other relevant sectors, as well as appropriate actions" should have been included after the word "actions" in the second line of the section.

100. The Council approved the text of section VIII as corrected by the representative of Norway.

Section IX

101. On the proposal of the representative of China, the Council agreed to insert the words "and problems in "after the words "experience on" in the third line of paragraph 2 of section IX.

Section XIII

102. On the proposal of the representative of the United Kingdom, the Council agreed to add a new preambular paragraph recalling General Assembly resolution 44/228 and delete the reference to that resolution in the operative part of section XIII of the draft decision.

103. On the proposal of the representative of the United States, the Council also agreed to include the word "women" after the word "scientists" in the last line of the second preambular paragraph of section XIII of the draft decision.

104. The draft decision as a whole, with the revisions and amendments indicated in paragraphs 87 to 103 above, was adopted by consensus.

105. Speaking in explanation of position after the adoption of the decision, the representative of the United States recorded his delegation's adamant opposition to the language in paragraphs 1 and 3 of its section VII. In the spirit of co-operation which characterized the work of the Governing Council, the United States had chosen not to obstruct consensus on the decision as a whole. While the United States recognized the urgent need to direct a greater proportion of financial resources to developing countries in order to assist them in meeting their specific environmental needs, it felt strongly that existing international assistance institutions, as well as commercial sources of financing, should be fully utilized and redirected to address the broad range of environmental issues confronting developing countries.

106. The representative of India said that the developing world would be grateful to all the members of the Governing Council for having adopted section VII of the decision in the form that they had.

ANNEX

Decisions adopted by the Governing Council at its second special session

Decision No.	Title	Date of adoption	Page
SS.II/1	Strengthening the role of the United Nations Environment Programme and the Governing Council	3 August 1990	20
SS.II/2	New developments in the protection of the ozone layer	3 August 1990	21
SS.II/3	Climate		
	A. Second World Climate Conference	3 August 1990	22
	B. Intergovernmental Panel on Climate Change	3 August 1990	23
	C. Framework convention on climate change	3 August 1990	24
SS.II/4	Hazardous wastes		
	A. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	3 August 1990	26
	B. Comprehensive approach to hazardous waste	3 August 1990	27
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SS.II/9	Priority evolving environmental issues for consideration by the Preparatory Committee for the United Nations Conference on Environment and Development	3 August 1990	32

SS.II/1. Strengthening the role of the United Nations Environment Programme and the Governing Council

The Governing Council,

Recalling General Assembly resolution 2997 (XXVII) of 15 December 1972 on institutional and financial arrangements for international environmental co-operation, by which the United Nations Environment Programme was established,

Recalling also General Assembly resolution 42/184 of 11 December 1987 on international co-operation in the field of the environment, particularly paragraph 18, in which the Assembly requested that the essential catalytic and co-ordinating role of the United Nations Environment Programme be further developed,

Recalling also General Assembly resolution 42/186 of 11 December 1987 on the Environmental Perspective to the Year 2000 and Beyond, in which, inter alia, the Assembly stressed the essential role of the United Nations Environment Programme within the United Nations system in catalysing environmentally sound and sustainable development,

Recalling also its decision SS.I/1 of 18 March 1988 on programme policy and implementation, particularly its paragraph 1, in which the Governing Council resolved to exercise fully the role expected of it,

Further recalling its decision 15/1 of 25 May 1989 on strengthening the role and effectiveness of the United Nations Environment Programme,

Recalling also General Assembly resolution 44/228 of 22 December 1989, by which it was decided to convene a United Nations Conference on Environment and Development in 1992,

Having considered the report of the Executive Director on priority evolving environmental issues a/ and, in particular, section V thereof, on strengthening the role of the United Nations Environment Programme and the Governing Council and the proposals of the Executive Director contained therein,

1. Requests the Executive Director to prepare for submission to the Council at its sixteenth session, in consultation with Governments, including the Committee of Permanent Representatives, a consolidated report on the future role of the United Nations Environment Programme, presenting, inter alia, proposals on:

(a) Further strengthening of the United Nations Environment Programme, including the role of its Governing Council;

(b) A possible special session of the Governing Council in 1992;

(c) Ways and means to further enhance the visibility of the United Nations Environment Programme;

2. Further requests the Executive Director to prepare for submission to the Council at its sixteenth session a detailed report explaining the basis of his

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a/ UNEP/GCSS.II/2 and Corr.1 and 2 and Add.1-4.

recommendations for setting a substantially increased target for annual contributions to the Environment Fund by the year 1995; b/

3. Recognizes that as a consequence of the United Nations Conference on Environment and Development, to be held in 1992, further consideration may need to be given to the role of the United Nations Environment Programme.

5th meeting
3 August 1990

SS.II/2. New developments in the protection of the ozone layer

The Governing Council,

Recalling its decision 15/35 of 25 May 1989 on progress in the protection of the ozone layer,

Noting that the General Assembly, in its resolution 44/229 of 22 December 1989, expressed satisfaction with the progress made in the protection of the ozone layer,

Noting with satisfaction the results of the Second Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, held in London from 27 to 29 June at the invitation of the Government of the United Kingdom of Great Britain and Northern Ireland, c/

1. Welcomes the results of the Second Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, in particular the decisions taken to strengthen the Protocol, the establishment of a financial mechanism to enable developing countries to comply with the control measures of the Protocol and the progress made in respect of transfer of technology;

2. Notes with satisfaction that at the Second Meeting of the Parties to the Montreal Protocol, a number of States announced that they would shortly become party to the Protocol;

3. Urges all States that have not yet done so to become party to the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol;

4. Requests the Executive Director to continue to give full support to the activities as approved by the Parties to the Vienna Convention and the Montreal Protocol.

5th meeting
3 August 1990

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b/ UNEP/GCSS.II/2 and Corr.1 and 2, para. 158.

c/ See the report of the Second Meeting of the Parties to the Montreal Protocol (UNEP/OzL.Pro.2/3).

SS.II/3. Climate

A. Second World Climate Conference

The Governing Council,

Recalling General Assembly resolutions 43/53 of 6 December 1988 and 44/207 of 22 December 1989 on protection of global climate for present and future generations of mankind, and Assembly resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development,

Recalling also its decision 15/36 of 25 May 1989 on global climate change,

Noting resolution 4.2/1 (EC-XLII) of 22 June 1990 of the Executive Council of the World Meteorological Organization on the Second World Climate Conference,

1. Authorizes the Executive Director to convene, jointly with the Secretary-General of the World Meteorological Organization, and in close consultation with the executive heads of the International Council of Scientific Unions, the United Nations Educational, Scientific and Cultural Organization and its Intergovernmental Oceanographic Commission, following the fourth session of the Intergovernmental Panel on Climate Change, a preparatory meeting open to all interested Governments, to include, where feasible, experts who have been involved in the Panel process, in order to prepare the draft of a ministerial declaration for the Second World Climate Conference, taking into account:

(a) Prior consultations with Governments;

(b) The work of the Intergovernmental Panel on Climate Change, including its first assessment report;

(c) The results of any prior preparatory meetings for the negotiation of a framework convention on climate change and other related legal instruments as appropriate;

(d) The work of the Preparatory Committee for the United Nations Conference on Environment and Development;

(e) The need for continuation and enhancement of the necessary scientific research, monitoring and environmental and socio-economic studies of climate and climate change and the enhancement and maintenance of the observation networks that provide the requisite data for these studies as the foundation upon which response strategies and policy options from near-term and long-term perspectives will be based;

(f) The need to support the international exchange of information and analyses on climate and climate change;

(g) The need to support intergovernmental agencies and national climate institutions, in particular those in developing countries;

2. Further authorizes the Executive Director to request, jointly with the Secretary-General of the World Meteorological Organization, the Secretary-General

of the United Nations to plan to take into account the outputs of the Second World Climate Conference in the discussion of the climate issue during the forty-fifth session of the United Nations General Assembly;

3. Requests the Executive Director to report to the Council at its sixteenth session on the implementation of the present decision and on the potential implications to the United Nations Environment Programme and to ensure a wide distribution of the recommendations, declaration and proceedings of the Conference, timely implementation of the recommendations as appropriate through follow-up regional conferences and workshops and other forms of technology transfer, as possible and within available resources, and that relevant outputs of the Second World Climate Conference are brought to the attention of the Preparatory Committee for the United Nations Conference on Environment and Development.

5th meeting
3 August 1990

B. Intergovernmental Panel on Climate Change

The Governing Council,

Recalling its decision 15/36 of 25 May 1989 on global climate change,

Bearing in mind General Assembly resolution 44/207 of 22 December 1989 on protection of global climate for present and future generations of mankind,

Taking note of resolution 2.6/1 (EC-XLII) of 22 June 1990 of the Executive Council of the World Meteorological Organization on the Intergovernmental Panel on Climate Change,

Noting with satisfaction the progress made by the Intergovernmental Panel on Climate Change,

Noting also the need for the continuation of the work of the Panel expressed by many Governments at the third plenary session of the Panel, held in Washington, D.C. from 5 to 7 February 1990,

Having in mind the forthcoming Second World Climate Conference during which the Panel's first assessment report will be considered,

1. Requests the Executive Director to arrange, jointly with the Secretary-General of the World Meteorological Organization, for the continuation of the Intergovernmental Panel on Climate Change as a joint panel of the United Nations Environment Programme and the World Meteorological Organization, ensuring that its future work is supportive of and responds to the needs and requests of the climate convention negotiating group and that it is so structured as to facilitate and ensure more active participation of developing countries, particularly by avoiding proliferation of meeting locations and co-incidence of meeting dates. The Panel should, inter alia:

(a) Undertake scientific and technical work in support of the negotiations of a framework convention on climate change;

(b) Periodically update the assessments of the available scientific information on climate change and the resulting environmental and socio-economic impacts;

(c) Undertake further environmental and socio-economic analyses of the various policy options from near-term and long-term perspectives posed as response strategies;

(d) Evaluate the special problems of the developing countries and small island States in their efforts to address the issue of climate change and assess possible options to deal with these problems;

(e) Further pursue studies on the incremental costs to developing countries and small island States of combating climate change, as well as on the sources from which such costs may be met and on mechanisms for the channelling of these resources, and present these studies for consideration at the negotiating sessions as soon as possible;

(f) Take all appropriate steps to ensure the effective participation of developing countries and small island States and the broad dissemination of its work and urges Governments to continue to make financial contributions for these purposes;

2. Further requests the Executive Director to report regularly to the Governing Council on the progress of the work of the Panel and, jointly with the Secretary-General of the World Meteorological Organization, to report on that progress to the United Nations General Assembly;

3. Also requests the Executive Director, in consultation with the Secretary-General of the World Meteorological Organization, to review the report of the Panel and the results of the Second World Climate Conference in the light of their possible implications for the United Nations Environment Programme and to report on the review to the Governing Council at its sixteenth session.

5th meeting
3 August 1990

C. Framework convention on climate change

The Governing Council,

Recalling General Assembly resolutions 43/53 of 6 December 1988 and 44/207 of 22 December 1989 on protection of global climate for present and future generations of mankind and Assembly resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development,

Taking note of the relevant parts of declarations and decisions adopted at various intergovernmental and non-governmental meetings during 1989 and 1990,

Also taking note of resolution 4.1.1 (EX-XLII) of 22 June 1990 of the Executive Council of the World Meteorological Organization on framework convention on climate change,

Taking note of the work of the Intergovernmental Panel on Climate Change, which has included the compilation of the possible elements of a framework convention on climate change,

Recalling its decisions 14/20 of 18 June 1987 and 15/36 of 25 May 1989 on global climate change,

Recalling also resolution 4 (EC-XLI) of the Executive Council of the World Meteorological Organization on global climate change,

Recognizing the actions taken by the Executive Director in co-operation with the Secretary-General of the World Meteorological Organization to respond to the request in Governing Council decision 15/36 to begin preparations for negotiations on a framework convention on climate change,

Recalling that the adoption by the General Assembly of resolution 44/207 demonstrated a universal recognition by Governments of an urgent need for concerted international efforts to address the climate change issue, in particular by beginning negotiations, as soon as possible after the adoption of the first assessment report of the Intergovernmental Panel on Climate Change, on a framework convention on climate change in accordance with paragraph 10 of the resolution and adopting the convention, if possible at the United Nations Conference on Environment and Development in 1992,

Convinced that further steps are needed to implement the decisions of the General Assembly and those of the governing bodies of the United Nations Environment Programme and the World Meteorological Organization or the negotiations of a framework convention on climate change,

1. Authorizes the Executive Director to convene, jointly with the Secretary-General of the World Meteorological Organization, an open-ended working group of government representatives to prepare for negotiations on a framework convention on climate change, in September 1990, after the adoption of the interim report on the Intergovernmental Panel on Climate Change at its fourth session, to be held in Sweden;

2. Requests the Executive Director to convene jointly with the Secretary-General of the World Meteorological Organization, after a decision is taken by the General Assembly at its forty-fifth session recommending ways, means and modalities for further pursuing these negotiations, the first negotiating session of the open-ended working group on the framework convention on climate change, and other related legal instruments as appropriate, and taking into account the interim report of the Intergovernmental Panel on Climate Change and the results of the Second World Climate Conference. This session should be held not later than February 1991;

3. Notes with appreciation the invitation of the Government of the United States of America to host that session;

4. Further requests the Executive Director:

(a) To report, jointly with the Secretary-General of the World Meteorological Organization, to the General Assembly at its forty-fifth session, and, in consultation with the Secretary-General of the World Meteorological Organization,

to the Preparatory Committee for the United Nations Conference on Environment and Development at its second session, on the progress in the preparations for negotiations on a framework convention on climate change;

(b) To report to the Governing Council at its sixteenth session on the progress of the actions under this decision;

5. Urges the Executive Director to continue, jointly with the Secretary-General of the World Meteorological Organization, his contacts with Governments to seek financial contributions to enable the widest possible participation of developing countries in the negotiations.

5th meeting
3 August 1990

SS.II/4. Hazardous wastes

A. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

The Governing Council,

Recalling its decision 15/33 of 25 May 1989 on progress in the control of transboundary movements of hazardous wastes,

Having considered those sections of the report of the Executive Director on priority evolving environmental issues concerning hazardous wastes and, in particular, the status of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and contributions to the costs of its interim secretariat, d/

Having taken note of the view of the Executive Director that the shortage of contributions to the costs of the interim secretariat threatens to endanger the implementation of the resolutions adopted by the Basel Conference of Plenipotentiaries on a Global Convention on the Control of Transboundary Movements of Hazardous Wastes, e/

Noting with satisfaction the contributions that have already been made by some States that signed the Final Act of the Basel Conference to meeting the costs of the Interim Secretariat of the Basel Convention and the activities that it is carrying out,

1. Calls upon all States that signed the Final Act of the Basel Conference to contribute forthwith to continuing costs of the interim secretariat;

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d/ UNEP/GCSS.II/2 and Corr.1 and 2, paras. 51-52, and UNEP/GCSS.II/2/Add.3, paras. 24-32.

e/ UNEP/GCSS.II/2 and Corr.1 and 2, para. 51.

2. Further calls upon all States to sign and ratify the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, if they have not already done so, and to strengthen their co-operation in problem areas within the scope of the Convention.

5th meeting
3 August 1990

B. Comprehensive approach to hazardous waste

The Governing Council,

Aware of the degradation of marine ecosystems, particularly in coastal areas, and the threat to the marine environment from a variety of polluting sources,

Conscious of the vast diversity and conplexity of biological species, ecosystems, and chemical compounds introduced into the environment,

Noting that numerous international forums, including the Governing Council at its fifteenth session and the summit of the seven major industrial nations, have recognized the need to protect biological diversity and that waiting for conclusive scientific proof regarding the impact of contaminants entering the environment may result in significant and irreversible damage to the environment and to the human population,

Also noting the recent adoption of an environment protection and enhancement approach based on precautionary, preventative action by the following international forums: the Governing Council at its fifteenth session, the ministerial conferences on the protection of the North Sea, the Paris and Oslo Commissions, meetings under the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution, the Nordic Council's International Parliamentarian Conference on Pollution of the Seas, the Nordic Council, the European Parliament, the Bergen Conference Ministerial Declaration, and meetings under the Vienna Convention for the Protection of the Ozone Layer.

Taking note of global conventions such as the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, the 1973 International Convention for the Prevention of Pollution from Ships and its Protocol of 1978, and the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and regional conventions, such as the 1972 Oslo Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft, the 1974 Paris Convention for the Prevention of Marine Pollution from Land-based Sources, the conventions in connection with the regional seas programme of the United Nations Environment Programme for the Mediterranean, West and Central African, Eastern African, South-East Pacific, South Pacific, Wider Caribbean, Red Sea and Gulf of Aden and the Kuwait regions, as well as other relevant conventions adopted and under preparation,

Recognizing that, notwithstanding the measures already adopted and implemented by national Governments and the contracting parties to international conventions, additional measures are necessary to protect and enhance the environment, in particular, by focusing on alternatives to the disposal of wastes and the release of emissions into the environment, especially in relation to the use of alternative

clean production methods so that hazardous waste production is minimized and prevented,

Recognizing further the need for international multilateral and bilateral co-operation in developing such alternatives, in particular co-operation and assistance in the areas of research, development and implementation of clean production processes and product substitution in order to minimize the generation of wastes in general, and avoid the generation of hazardous wastes in particular,

Recognizing the importance of the 1992 United Nations Conference on Environment and Development and the meetings of its Preparatory Committee, which will address, among other things, pollution problems and the adequacy of current international regulatory régimes and measures,

Recognizing the assistance needed by developing countries to develop expertise for identification, analysis and impact assessment of hazardous wastes,

Recognizing the assistance needed by developing countries to create the necessary technical and administrative infrastructure for the implementation of international conventions,

1. Appeals to Governments and appropriate international forums, taking economic costs into consideration, to consider alternative clean production methods - including raw material selection, product substitution, and clean production technologies and processes - as a means of implementing a precautionary approach in order to promote production systems that minimize or eliminate the generation of hazardous wastes and optimize use of raw materials, water and energy, for example through recycling;

2. Agrees to consider, among other measures, the development of an integrated approach to pollution control, examining all aspects of environmental effects and the role and effectiveness of various kinds of economic incentives with a view to promoting and assisting with the implementation of clean production methods, taking into account principles for preventing pollution at the source;

3. Appeals to Governments to seek to strengthen measures to ensure that those responsible for pollution should bear the cost of its clean-up;

4. Requests the Executive Director to strengthen the activities of the Industry and Environment Office related to the development of clean technologies in the field of hazardous wastes;

5. Further appeals to Governments and institutions to consider other appropriate measures to expedite the prevention, where possible, or minimization of hazardous wastes and substances and further appeals to appropriate international forums to contribute to this end;

6. Requests the Executive Director to bring this issue to the attention of the Preparatory Committee, for the United Nations Conference on Environment and Development;

7. Appeals to all Governments that have not already done so to act as soon as possible to sign and ratify the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, recognizing the urgent need to control transboundary movements of hazardous wastes.

5th meeting
3 August 1990

SS.II/5. International legal instrument on the biological diversity of the planet

The Governing Council,

Recalling its decision 15/34 of 25 May 1989 on preparation of an international legal instrument on the biological diversity of the planet,

Having considered those sections of the report of the Executive Director on priority evolving environmental issues dealing with the work of the Ad Hoc Working Group of Experts on Biological Diversity, f/

1. Taking note of the progress made towards developing an international legal instrument on biological diversity;

2. Urges the Executive Director, in conjunction with the members of the Ecosystems Conservation Group, to continue to accord high priority to the work on biological diversity and biotechnology with a view to arriving at an international legal instrument for the conservation and rational use of biological diversity within a broad socio-economic context, taking particular account of the need to share costs and benefits between developed and developing countries and ways and means to support innovation by local people, and, to this end, called upon the Ad Hoc Working Group of Legal and Technical Experts established for this purpose to proceed expeditiously with its task on the basis of the final report of the Ad Hoc Working Group of Experts on Biological Diversity.

5th meeting
3 August 1990

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f/ UNEP/GCSS.II/2 and Corr.1 and 2, paras. 43-45, and UNEP/GCSS.II/2/Add.3, paras. 18-23.

SS.II/6. Need for effective global protection of ocean and coastal ecosystems

The Governing Council,

Aware that the living resources of the sea are under threat from pollution, land-based development and over-exploitation, and that there is substantial and growing evidence of increasing degradation in near-coastal waters, where marine life is most plentiful,

Recognizing that discharges of wastes into the sea from land (via pipelines, runoff, and atmospheric inputs) are among the most significant sources of marine pollution, as these discharges directly affect the coastal waters where human contact with the ocean and fisheries resources reach their highest levels,

Concerned that the deterioration in environmental quality arising from pollution of ocean and coastal areas has serious implications for sustainable development, especially for some developing countries,

Mindful that the World Commission on Environment and Development, in its report Our Common Future, expressed its conviction that sustainable development, if not survival itself, depends on significant advances in the management of the oceans, g/

Cognizant that article 197 of the United Nations Convention on the Law of the Sea h/ provides that States shall co-operate on a global basis and, as appropriate, on a regional basis, directly or through competent international organizations, in formulating and elaborating international rules, standards and recommended practices and procedures consistent with the Convention, for the protection and preservation of the marine environment,

Fully aware of the significant progress that the United Nations Environment Programme has made and continues to make, especially through its regional seas programme, in developing appropriate measures for protecting ocean and coastal resources, as well as its special efforts to address land-based sources of marine pollution through the development of the Montreal Guidelines for the Protection of the Marine Environment against Pollution from Land-based Sources, i/ sponsored by the United Nations Environment Programme and adopted in 1985,

Recognizing that the second special session of the Governing Council presents a special opportunity to present matters of concern to participants in the Preparatory Committee for the United Nations Conference on Environment and Development, which will meet in Nairobi from 6 to 31 August 1990,

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g/ UNEP/GC.14/13, annex, chap. 10, para. 15.

h/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

i/ See Environmental Law Guidelines and Principles No. 7 (United Nations Environment Programme, Nairobi, 1985).

Further recognizing that control of pollutants entering coastal and marine areas requires effective national mechanisms to address increasing development and human populations in nearby land areas,

1. Appeals to Governments and international agencies and forums to strengthen and expedite measures at the global, regional and national levels that will protect the living resources of the sea from all sources of marine pollution and provide for sustainable development of those resources;

2. Calls upon Governments and international agencies and forums to take special steps at the global, regional and national levels to address the serious and growing problem of land-based sources of marine pollution;

3. Urges the participants in the Preparatory Committee for the United Nations Conference on Environment and Development to consider developing or strengthening institutional, legal and other measures at the regional level, including those that complement and support the regional seas programme of the United Nations Environment Programme, as well as at the global level, that will facilitate improved protection and sustainable development of ocean and coastal resources, including more effective co-ordination and exchange of standards, recommended practices, procedures, information, technology and expertise, and will more effectively address the serious growing problem of land-based sources of marine pollution.

5th meeting
3 August 1990

SS.II/7. Location of meetings of open-ended negotiating working groups on biological diversity and climate change

The Governing Council,

Bearing in mind the comparative economic costs of holding meetings in Nairobi as opposed to other venues, as reported by the Executive Director in connection with the second special session of the Governing Council, and the need to strengthen the United Nations Environment Programme, as emphasized in the Executive Director's report on priority evolving environmental issues, j/

Taking full account of General Assembly resolutions 44/207 and 44/228, both of 22 December 1989,

Considering the excellent facilities at the United Nations Office at Nairobi,

Requests the Executive Director, in cases where no host offer is available, to arrange that:

(a) Most of the meetings of the open-ended working group for negotiating a biological diversity convention take place at the headquarters of the United Nations Environment Programme in Nairobi;

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j/ UNEP/GCSS.II/2 and Corr.1 and 2, sect. V.

(b) Most of the meetings of the open-ended working group for negotiating a framework convention on a climate change take place in Geneva and in Nairobi on an alternate basis with the exception of the first negotiating session.

5th meeting
3 August 1990

SS.II/8. The situation in the Middle East

The Governing Council,

Aware of the adverse impact of war on the natural environment and on the social and economic structure of societies,

Further aware of the need for peace and security as an essential requirement for the protection of the environment and sustainable development,

1. Reaffirms that all Member States are to adhere to the principles of the Charter of the United Nations and not to resort to force as a means of settling regional disputes over shared natural resources;

2. Expresses its concern over the invasion of Kuwait by Iraq and the resulting destruction of the environment and disruption of social and economic structures.

5th meeting
3 August 1990

SS.II/9. Priority evolving environmental issues for consideration by the Preparatory Committee for the United Nations Conference on Environment and Development

The Governing Council,

I

Taking note of General Assembly resolution 44/228 of 22 December 1989 by which it was decided to convene a United Nations Conference on Environment and Development in 1992,

Having considered the report of the Executive Director on priority evolving environmental issues, k/

1. Requests the Executive Director to ensure that the United Nations Environment Programme contributes fully to the preparations of the United Nations Conference on Environment and Development on the basis of guidelines and requirements to be established by the Preparatory Committee for the Conference;

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k/ UNEP/GCSS.II/2 and Corr.1 and 2 and Add.1-4.

2. Further requests the Executive Director to make available the report of the Council on the work of its second special session to the Preparatory Committee for the Conference for its information;

3. Invites the Preparatory Committee to consider and provide overall guidance to the negotiation process and preparation of resolutions of the Conference regarding the issues set out in sections II to XIII of the present decision;

II

CLIMATE CHANGE

Recalling its decision 15/36 of 25 May 1989 on global climate change,

Bearing in mind General Assembly resolution 44/207 of 22 December 1989 on protection of global climate for present and future generations of mankind,

1. Draws to the attention of the Preparatory Committee for the United Nations Conference on Environment and Development the need for Governments to take specific actions at the national level which help combat possible climate change, including actions that are in themselves economically sound;

2. Also draws to the attention of the Preparatory Committee its decision SS.II/3 B of 3 August 1990 and resolution 2.6/1 (EC-XLII) of 22 June 1990 of the Executive Council of the World Meteorological Organization on the Intergovernmental Panel on Climate Change, in which, inter alia, the Executive Director was requested to arrange, jointly with the Secretary-General of the World Meteorological Organization, for the continuation of the work of the Panel,

3. Further draws to the attention of the Preparatory Committee its decision SS.II/3 C of 3 August 1990 and resolution 4.1/1 (EX-XLII) of 22 June 1990 of the Executive Council of the World Meteorological Organization requesting the Executive Director to convene, jointly with the Secretary-General of the World Meteorological Organization, the first open-ended negotiating session on the framework convention on climate change not later than February 1991;

4. Recommends that the Preparatory Committee give every encouragement to the Executive Director and to the Secretary-General of the World Meteorological Organization in their joint endeavours concerning a framework convention on climate change and other related legal instruments;

III

TRANSBOUNDARY AIR POLLUTION

Recommends that the Preparatory Committee for the United Nations Conference on Environment and Development consider the level of resources needed for adequate and effective monitoring and assessment of background air pollution, including the possible strengthening and expansion of the Background Air Pollution Monitoring Network;

IV

PROTECTION OF OCEAN AND COASTAL AREAS

Noting that the report of the Joint Group of Experts on the Scientific Aspects of Marine Pollution on the state of the marine environment 1/ emphasizes that too little is being done at present, particularly at the national level, in certain areas, to ensure the health of the sea and the maintenance of its resources,

1. Draws to the attention of the Preparatory Committee for the United Nations Conference on Environment and Development the fact that, if the deterioration of coastal areas is to be halted or reversed, a major effort will be required in the coming decade to improve the implementation of regional action plans and to facilitate the adoption of concrete measures for pollution control and resource management;

2. Recommends that the Preparatory Committee should take up the issue of protection of ocean and coastal areas, including the use of appropriate forms of fishing technology and the conservation of marine mammals and other forms of marine life and the efficiency of available technology for combating oil pollution in the high seas;

3. Further recommends that the Preparatory Committee should examine specific actions in respect of the issues referred to in paragraph 2 above over specific periods of time, indicating their costs and identifying the sources from which such costs may be met, with the aim of adoption by the Conference of appropriate recommendations;

V

COMBATING DESERTIFICATION

Noting that, in accordance with paragraphs 6 and 7 of General Assembly resolution 44/172 A of 19 December 1989, two reports will be submitted to the Preparatory Committee for the United Nations Conference on Environment and Development on the subject of desertification, one a composite report on progress in the implementation of the Plan of Action to Combat Desertification and the other a self-contained expert report on the financing of anti-desertification programmes, as described in the report of the Executive Director on priority evolving environmental issues, m/

Recognizing that, while desertification is a problem that must be combated primarily at the national level, the issue should also receive appropriate attention in international forums and assistance to affected countries should be promoted and facilitated,

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1/ IMO/FAO/UNESCO/WMO/WHO/IAEA/UN/UNEP Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP), The State of the Marine Environment, GESAMP Reports and Studies Series No. 39 (United Nations Environment Programme. 1990).

m/ See UNEP/GCSS.II/2 and Corr.1 and 2, para. 36.

Stressing the importance of observation and research networks and noting, in that context, the planned observatory of the Sahara and the Sahel,

1. Recommends that the Preparatory Committee for the United Nations Conference on Environment and Development should review the situation with respect to desertification, deforestation and land degradation, giving special attention to the utilization of marginal resources, with a view to recommending specific actions over specific periods of time, indicating their costs and identifying the sources from which such costs may be met with the aim of the Conference adopting appropriate recommendations;

2. Offers the assistance of the United Nations Environment Programme to the Preparatory Committee in making an intergovernmental assessment, within available resources, seeking co-operation with the Food and Agriculture Organization of the United Nations, of the World Soils Policy, adopted in 1982, development of appropriate further measures for its implementation and preparation of elements for a draft Conference resolution on the subject;

VI

THE ROLE OF REGIONAL AND SUBREGIONAL ENVIRONMENT PROGRAMMES

Recognizing that some environmental issues are best dealt with at the regional and subregional level,

Noting the progress made so far in the establishment of bodies for regional and subregional environmental co-operation programmes,

Brings to the attention of the Preparatory Committee for the United Nations Conference on Environment and Development the fact that existing and prospective regional and subregional environmental co-operation programmes, and particularly the Cairo Programme for African Co-operation of the African Ministerial Conference on the Environment, require more financial and technical support;

VII

AVAILABILITY OF RESOURCES FOR DEVELOPING COUNTRIES AND FUNDING MECHANISMS

Concerned about the availability of financial and other resources for protection of the environment, particularly in developing countries, n/

Noting the recent efforts o/ to establish funding mechanisms to provide new and additional resources to developing countries to enable them to meet their specific environmental needs,

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n/ See UNEP/GCSS.II/2 and Corr.1 and 2, paras. 64-69.

o/ Ibid., para. 72, and report of the Second Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (UNEP/OzL.Pro.2/3).

1. Draws to the attention of the Preparatory Committee for the United Nations Conference on Environment and Development the urgent need for making new financial and other resources available to the developing countries additional to the current flow of resources made available to them on concessionary terms, to enable them to meet the cost of adopting and implementing pollution-free technologies and other pressing environmental needs, in particular cases to be decided upon;

2. Also draws to the attention of the Preparatory Committee the equally urgent need for agreement on a mechanism or mechanisms which can respond effectively, quickly and flexibly to the support required by developing countries to implement their obligations under international environmental agreements;

3. Recommends to the Preparatory Committee that the subject of financial and other resources for the developing countries, additional to the current flow of resources to them, to enable them to meet their environmental needs be fully considered on the basis of specific studies in the Committee's deliberations and recommendations;

VIII

ENVIRONMENT, ECONOMICS AND SECTORAL POLICIES

Recommends that the Preparatory Committee for the United Nations Conference on Environment and Development review and consider appropriate actions to introduce environmental considerations into sectoral policies regarding energy, transport, industry, agriculture and other relevant sectors, as well as appropriate actions on the basis of the comments made by the Governing Council p/ on the views presented by the Executive Director, q/ other relevant bodies of the United Nations system, and the Organisation for Economic Co-operation and Development, on the subject of environment and economics;

IX

TRANSFER OF ENVIRONMENTALLY SOUND TECHNOLOGY

Recalling General Assembly resolution 44/227 of 22 December 1989, particularly the references in paragraphs 10 and 11 to the transfer of environmentally sound technology,

Recalling section I, paragraph 15 (m), of General Assembly resolution 44/228 of 22 December 1989,

Further recognizing the role played by the Industry and Environment Office of the United Nations Environment Programme in the field of transfer of environmentally sound technology,

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p/ See the proceedings of the Governing Council at its second special session (UNEP/GCSS.II/3), paras. 130-136.

q/ UNEP/GCSS.II/2 and Corr.1 and 2, paras. 95-106.

1. Draws to the attention of the Preparatory Committee for the United Nations Conference on Environment and Development the comments made by the Governing Council r/ on the views expressed by the Executive Director on the subject of transfer of technology; s/

2. Proposes that the Preparatory Committee, in light of section I, paragraph 15 (m), of General Assembly resolution 44/228, keep under review experience on and problems in access to and the transfer of environmentally sound technology, in particular to the developing countries;

X

BIOLOGICAL DIVERSITY AND BIOTECHNOLOGY

Recalling its decision 15/34 of 25 May 1989, which concerned biological diversity and biotechnology,

1. Draws the attention of the Preparatory Committee for the United Nations Conference on Environment and Development to the ongoing work of the Ad Hoc Working Group of Experts on Biological Diversity, which held its third session at Geneva from 9 to 13 July 1990, and to the ongoing work of the United Nations Industrial Development Organization/United Nations Environment Programme/World Health Organization informal working group on biotechnology safety;

2. Recommends that the Preparatory Committee give every encouragement to the Executive Director of the United Nations Environment Programme in his endeavours to continue the work on biological diversity and biotechnology with a view to arriving at an international legal instrument on biological diversity within a broad socio-economic context and to the United Nations Industrial Development Organization/United Nations Environment Programme/World Health Organization informal working group to come up with specific recommendations for safety in biotechnology;

XI

FRESH WATER

Taking note of the plans for holding a conference on water and the environment in 1992 t/ as a co-operative effort of the agencies involved in the Inter-Secretariat Group on Water Resources of the Administrative Committee on Co-ordination, together with the United Nations Environment Programme,

Suggests that the preparations be accelerated with the aim of holding the conference on water and the environment in 1991 and that the conference should

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r/ See the proceedings of the Governing Council at its second special session (UNEP/GCSS.II/3), paras. 90, 109 and 125-128.

s/ UNEP/GCSS.II/2 and Corr.1 and 2, paras. 78-89.

t/ See A/CONF.151/PC/6, para. 39 (d), transmitted to members of the Governing Council by a note of the Executive Director (UNEP/GCSS.II/INF.3).

include sessions of governmental experts to prepare elements for draft resolutions of the United Nations Conference on Environment and Development with regard to freshwater resources and their effective use;

XII

HAZARDOUS SUBSTANCES

1. Offers the assistance of the United Nations Environment Programme to the Preparatory Committee for the United Nations Conference on Environment and Development in reviewing the practical operation of the London Guidelines for the Exchange of Information on Chemicals in International Trade, in light of the report requested by the Council in paragraph 11 (c) of its decision 15/30 of 25 May 1989, on further steps to supplement the amended London Guidelines, including the possible further need for a convention;

2. Also offers the assistance of the United Nations Environment Programme to the Preparatory Committee in preparing, within available resources, recommendations for the safe and appropriate use and disposal of hazardous substances, including the reduction of the use and emissions of hazardous substances that are toxic, persistent and bioaccumulative, with the ultimate aim of eliminating such emissions or, where this is not possible, minimizing them;

XIII

PUBLIC PARTICIPATION

Recalling General Assembly resolution 44/228 of 22 December 1989 by which it was decided to convene a United Nations Conference on Environment and Development in 1992.

Recognizing the importance of ensuring that the widest possible range of public opinion and expertise be brought into the 1992 Conference,

Bearing in mind the experience gained in the preparation and conduct of the Bergen Conference with respect to the full involvement of a range of non-governmental organizations representing environment and development groups, industry, trade unions, scientists, women and youth,

Recommends an active involvement of the non-governmental community in the United Nations Conference on Environment and Development and its preparatory process.

5th meeting
3 August 1990

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